

### **REMARKS**

The office action and the references cited and applied have been carefully considered together with the present invention and amendments have been made to claims 1, 6-8 and 11-13 in an effort to place the application in condition for immediate allowance.

Before addressing the rejections, applicants note with appreciation that claims 6, 7, 11 and 12 are only objected to and would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. To that end, claims 6 and 7 have been amended to incorporate the subject matter of claim 1 to place them in independent form. Claim 8 has been amended to incorporate the subject matter of claim 12 and claim 11 has been amended to incorporate the subject matter of claim 8 and place it in independent form. Claim 12 has been amended to change its dependency from claim 8 to claim 1.

Claims 1 and 13 are independent claims that have also been amended, both of which have been rejected as being anticipated by the Muller patents and claim 1 has additionally been rejected as being anticipated by the Findlater '208 and '345 patents as well as Runaldue. It is respectfully submitted that none of these five patents anticipate, teach or suggest the apparatus of amended claim 1 or the method of amended claim 13. Amended claim 1 claims apparatus for interfacing a media access controller (MAC) and a physical layer device (PHY) for operating as either a gigabit media independent interface or a 10-bit interface. Amended claim 13 claims a method of interfacing a media access controller (MAC) and a physical layer device (PHY) for operating either as a gigabit media independent interface or a 10-bit interface. The same apparatus can operate as either type of interface, both of which are known by those of ordinary skill in the art. Claim 13 is directed to a method of interfacing a MAC and a PHY for operating as either type of interface.

None of the patents that have been cited and applied do this and therefore fail to anticipate, teach or suggest these claims. Both Findlater '208 and '345 are believed to operate in the 10-bit interface realm and are not capable of operating as a gigabit media independent interface. The Muller patents have the same specification and are not believed to operate in the 10-bit interface realm. Runaldue is


not believed to operate as a gigabit media independent interface as well as a 10-bit interface. In fact, it is a serial interface and may not operate as either.

Because the dependent claims necessarily incorporate the features of the independent claims and intervening claims from which they depend, it is believed that these claims are also in condition for immediate allowance. Reconsideration and allowance of all claims is therefore respectfully requested.

Respectfully submitted,

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